

REMARKS

The Office Action mailed December 4, 2008 and reconsideration of the above-identified application, as amended, in view of the following remarks, is respectfully requested

Claims 1-40 are pending and stand rejected.

Claims 1, 3-5, 8, 9, 11, 13, 14, 21, 23-25, 28, 29, 31 and 33 have been amended.

Claims 2, 12, 15-20, 22, 32, and 34-37 have been cancelled.

Claims 1, 16, 21 and 34 are independent claims.

Claim 14 stands rejected under 35 USC §112, second paragraph as being indefinite. Claims 1-5, 8-25 and 28-40 stand rejected under 35 USC §102(e) as being anticipated by Siah (International Patent Application Publication no. WO 02/15024). Claims 5-6 and 26-27 stand rejected under 35 USC §103(a) as being unpatentable over Siah in view of Official Notice.

Applicant respectfully disagrees with and explicitly traverses the rejection of the claim 14 under 35 USC §112, second paragraph. However, in the interest of advancing the prosecution of this application, claim 14 has been amended to present the subject matter claimed in better form. No new matter has been added.

Applicant respectfully disagrees with the reason for the rejection and explicitly traverses the rejection of the claims 1-5, 8-25 and 28-40 under 35 USC §102(e) as being anticipated by Siah.

However, in order to advance the prosecution of this matter, independent claims 1, 21 have been amended to further recite "a local database to include at least a plurality of universal resource locators (URLs) associated with corresponding ones of a plurality of websites associated with corresponding ones of a plurality of content providers, a plurality of expected title identifications associated with corresponding ones of said plurality of content providers and a list of methods for deriving a title identification, said methods consisting of at least one of a read operation and an algorithmic operation." No

new matter has been added. Support for the amendment may be found at least in Table 2 and associate description of same in the written description.

Siah discloses a system including a DVD client device that determines a DVD signature from navigation information read from a DVD and provides the determined DVD signature to a DVD information server that is used to identify particular web content that relates to the DVD. The web content may include promotional material specific to the DVD. Siah further discloses two different methods of determining the DVD signature. The different methods relate to using information from the C-PBIT, which includes known data stored on the DVD. The computed DVD signature is then transmitted over the network to the DVD information server in order for the DVD information to perform processing based on the computed DVD signature. The DVD server uses the DVD signature to access a data base to determine the location of the additional information associated with the DVD identified by the computed DVD signature.

However, as Siah discloses providing the DVD signature to a DVD server (i.e., an external server including a database) Siah fails to disclose a local database from which additional information regarding the DVD may be obtained. In addition, Siah fails to disclose that the (external) database includes a method for determining a DVD signature, as is recited in the claims.

In fact Siah cannot disclose using information from the database to determine the DVD signature as the database is stored external to the location of the DVD.

Hence, Siah fails to disclose at least the claims elements of a local database and a selection method stored in the data base to determine the DVD signature, as is recited in the claims.

A claim is anticipated if and only if each of the elements recited in claims may be found in a single prior art reference.

In this case, Siah cannot be said to anticipate the invention claimed, as Siah fails to recite a material recited in each of the independent claims.

With regard to the rejection of the remaining claims, these claims depend from

independent claims 1 and 21, and, hence, these claims are not anticipated by Siah for at least their dependency upon an allowable base claim.

With regard to the rejection of claims 5, 6, 26 and 27 as being rejected under 35 USC §103 over Siah in view of Official Notice, applicant respectfully disagrees with and explicitly traverses the rejection of the aforementioned claims. As shown above, Siah fails to disclose a material element recited in the independent claims from which the aforementioned claims depend and the Official Notice taken provides no suggestion or teaching to correct the deficiency found to exist in Siah.

A claimed invention is prima facie obvious when three basic criteria are met. First, there must be some suggestion or motivation, either in the reference themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the teachings therein. Second, there must be a reasonable expectation of success. And, third, the prior art reference or combined references must teach or suggest all the claim limitations

In this case, the combination of Siah and Official Notices fails to disclose a material element recited in the independent claims and thus, the combination of Siah and Official Notice cannot be said to render obvious the subject matter recited in the aforementioned dependent claims.

Applicant has requested that independent claims 16 and 34, and the claims dependent therefrom, be cancelled and removed from consideration at this time. Applicant makes no statement regarding the patentability of the subject matter recited in these claims and explicitly reserves the right to re-prosecute each of the cancelled claims in one or more continuing applications filed during the pendency of the instant application.

For the amendments made to the claims, applicant submits that the reason for the rejection has been overcome and respectfully requests that the rejection be withdrawn.

For all the foregoing reasons, it is respectfully submitted that all the claims are in

allowable form and the issuance of a Notice of Allowance is respectfully requested.

In the event the Examiner deems personal contact desirable in the disposition of this case, the Examiner is invited to call the undersigned attorney at the telephone given below.

No fees are believed necessary for the timely filing of this paper.

Respectfully submitted,

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Date: February 20, 2009

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